



IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number

(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

- i. (a) Ms Kesha Williams (b) 2089274
(Name) (Inmate number)
(c) FairFax ADULT DETENTION CENTER
(Address)

10520 Judicial Drive Fairfax, Virginia 22030

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

- B. Defendant(s): Fairfax county-pb-po- FairFax county/probation/parole
i. (a) FairFax county Sheriff Dept. (b) FairFax county Sheriff Dept
(Name) (Title/Job Description)
(c) 10398 Democracy lane
(Address)

FairFax VA 22030



2. (a) Fairfax County Probation / parole (b) _____
(Name) (Title/Job Description)
(c) _____
(Address)

3. (a) Fairfax County Sheriff Department (b) _____
(Name) (Title/Job Description)
(c) _____
(Address)

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [] No [☒]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county):

3. Date lawsuit filed: _____

4. Docket number: _____

5. Name of Judge to whom case was assigned: _____

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?): _____

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place:

probation/parole Fairfax County Sheriff Department

B. Does the institution listed in "A" have a grievance procedure? Yes [☒] No [☐]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [☐] No [☒]

2. If so, where and when: _____

3. What was the result? I requested a grievance, but the administration refused to give me a grievance.

4. Did you appeal? Yes [☐] No [☒]

5. Result of appeal: Refused to give me a grievance.

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [☒] No [☐]

If your answer is Yes, what steps did you take? My sister called sheriff

Stacy Kincade and told her to put it on paper. I also talked to lieutenant Santmeyer.

E. If your answer is No, explain why you did not submit your complaint to the prison authorities: _____

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. KW (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

X Award money damages in the amount of \$ 500,000

_____ Grant injunctive relief by _____

_____ Other _____

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Fairfax County Adult Detention Center - Fairfax county

Adult Detention Center 10520 Judicial Drive

Fairfax, Virginia 22030

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes [☒] No [☐]. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 27 day of February, 2019.

Plaintiff [Signature]

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

In October of 2018 I had a visit with my probation officer
Steven Berger and the discussion was about my gender, even
though I identify as a female he considered me as male. My
birth certificate and drivers license says female, but he insisted
on addressing me as male. This man continued to disrespect me after I
asked politely to address me as female, he ignored my request and
continued to address me as male. On November 16th I appeared on
Fairfax county circuit court, where I was detained by Fairfax
Sheriff dept. When I first arrived at Fairfax county Jail I was
Classified as female and housed with females. In a short period of
time I was reclassified as male and the administration of
Fairfax county Jail, humiliated me by addressing me as "sir" and laughing at
me, that made me feel angry, depressed and insulted, I was emotionally
damaged. At that time I even considered hurting myself, but I never brought myself
to do it. As time went on numerous male deputies intentionally disrespected me by
calling me by male pronouns. In the time I've been here I was
denied the opportunity to work and participate in programs and I
believe it's because of my gender. I have a clean record I was
never charged in the institution during the time I have been here.

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

**INSTRUCTIONS FOR FILING COMPLAINT BY PRISONER UNDER
CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

1. This complaint must be legibly handwritten or typewritten and signed by the plaintiff. Any false statement of material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
2. In order for this complaint to be filed, it must be accompanied by the **filing fee of \$350.00** 28. U.S.C. § 1914(a) and a **\$50.00 administrative fee**. If you do not have the necessary filing fee, you may request permission to proceed *in forma pauperis*. Please complete the enclosed affidavit setting forth information establishing your inability to prepay the fees and costs.
3. When these forms are complete, they must be mailed to the Clerk of the United States District Court for the Eastern District of Virginia. The address is listed below:

United States District Court
Eastern District of Virginia
701 East Broad Street
Suite 300
Richmond, Virginia 23219-3528

4. Complaints that do not conform to these instructions will be returned with a notation as to the deficiency.
5. **ALL COPIES OF THE COMPLAINT MUST BE IDENTICAL. DO NOT MAIL THE FORMS TO A SPECIFIC JUDGE.**